

# COMMITTEE REPORT

Mr. President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 242 because it conflicts with HEA 1935-2003 without properly recognizing the existence of HEA 1935-2003, has had Engrossed Senate Bill 242 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 242 be corrected as follows:

1           In the conference committee report to ESB 242, page 1, line  
2           2, delete "P.L.1-2002," and insert "HEA 1935-2003, SECTION  
3           7,".

4           In the conference committee report to ESB 242, page 1, line  
5           3, delete "SECTION 17,".

6           In the conference committee report to ESB 242, page 2,  
7           delete lines 11 through 15.

8           In the conference committee report to ESB 242, page 2, line  
9           16, delete "(12)" and insert "(11)".

10          In the conference committee report to ESB 242, page 2, line  
11          34, delete "his" and insert "the person's".

12          In the conference committee report to ESB 242, page 3, line  
13          24, delete "his" and insert "the employee's".

14          In the conference committee report to ESB 242, page 3, line  
15          45, delete "his" and insert "the donor's".

16          In the conference committee report to ESB 242, page 4,  
17          delete lines 20 through 44, begin a new line block indented and  
18          insert:

19               "(19) A record or a part of a record, the public disclosure of which  
20               would have a reasonable likelihood of threatening public safety  
21               by exposing a vulnerability to terrorist attack. A record described  
22               under this subdivision includes:

23                   (A) a record assembled, prepared, or maintained to prevent,

- 1 mitigate, or respond to an act of terrorism under IC 35-47-12-1
- 2 or an act of agricultural terrorism under IC 35-47-12-2;
- 3 (B) vulnerability assessments;
- 4 (C) risk planning documents;
- 5 (D) needs assessments;
- 6 (E) threat assessments;
- 7 (F) domestic preparedness strategies;
- 8 (G) the location of community drinking water wells and
- 9 surface water intakes;
- 10 (H) the emergency contact information of emergency
- 11 responders and volunteers;
- 12 (I) infrastructure records that disclose the configuration of
- 13 critical systems such as communication, electrical, ventilation,
- 14 water, and wastewater systems; and
- 15 (J) detailed drawings or specifications of structural elements,
- 16 floor plans, and operating, utility, or security systems, whether
- 17 in paper or electronic form, of any building or facility located
- 18 on an airport (as defined in IC 8-21-1-1) that is owned,
- 19 occupied, leased, or maintained by a public agency. A record
- 20 described in this clause may not be released for public
- 21 inspection without the prior approval of the public agency. The
- 22 submitting public agency:
- 23 (i) is responsible for determining whether the public
- 24 disclosure of a record or a part of a record has a reasonable
- 25 likelihood of threatening public safety by exposing a
- 26 vulnerability to terrorist attack; and
- 27 (ii) must identify a record described under item (i) and
- 28 clearly mark the record as "confidential and not subject to
- 29 public disclosure under IC 5-14-3-4(19)(I) without approval
- 30 of (insert name of submitting public agency)".
- 31 This subdivision does not apply to a record or portion of a record
- 32 pertaining to a location or structure owned or protected by a
- 33 public agency in the event that an act of terrorism under
- 34 IC 35-47-12-1 or an act of agricultural terrorism under
- 35 IC 35-47-12-2 has occurred at that location or structure, unless
- 36 release of the record or portion of the record would have a
- 37 reasonable likelihood of threatening public safety by exposing a
- 38 vulnerability of other locations or structures to terrorist attack.
- 39 (20) The following personal information concerning a customer
- 40 of a municipally owned utility (as defined in IC 8-1-2-1):

1 (A) Telephone number.

2 (B) Address.

3 (C) **Social Security number.**".

4 In the conference committee report to ESB 242, page 4, line 45,  
5 delete "(d)" and insert "(c)".

6 In the conference committee report to ESB 242, page 4, line 48,  
7 delete "(e)" and insert "(d)".

8 In the conference committee report to ESB 242, page 5, line 1,  
9 delete "(f)" and insert "(e)".

10 In the conference committee report to ESB 242, page 5, line 1,  
11 delete "(e)" and insert "(d)".

(Reference is to ESB 242 as printed April 4, 2003, and to the  
Conference Committee Report to ESB 242.)

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Senator GARTON, Chairperson

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Senator YOUNG, R.M.M.

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Senator LANDSKE